

## **REMARKS**

Claims 1, 3, 6-8, 10, and 11 have been amended. Claims 14-17 have been canceled without prejudice. Claims 4, 5, 9, 12, 13, and 18 have been withdrawn. Claims 19-25 have been added. Thus, Claims 1-3, 6-8, 10-11, and 19-25 are pending in this application.

### **I. Claim Rejection under 35 U.S.C. §112**

The Examiner rejected Claim 6, 7, 10, 14 and 15 under 35 USC §112 as being indefinite. Applicant amended claims 6, 7, and 10 to more clearly define the present invention and canceled claims 14 and 15. The amended claims more clearly refer to the disclosed embodiments as described, for example, on pages 12-16. Thus, Applicant believes that the above rejection is now overcome.

### **II. Claim Rejection under 35 U.S.C. §102 and or §103**

The Examiner rejected claims 1-3, 6-8, 10, 11 and 14-17 under 35 U.S.C. §102(b) as being anticipated by Hayasi. Applicant amended claims 1, 3, 6-8, 10, and 11 and, therefore, Applicant respectfully disagrees with the rejection. The amended claims more clearly define the present invention as disclosed in the specification. The present invention allows for a specific control procedure as disclosed in particular in Fig. 2 and the accompanying specification. The independent claims include now all necessary structural limitations. The control procedure uses at least two variables. In the particular embodiment shown in Fig. 2 these variables are the displacement  $x$  and the pressure  $p_{act}$ . The control loop includes a first branch which determines a positional setpoint (functional unit FB1) and a machine control unit (FB6) which generates a machine parameter. This unit receives the positional setpoint value and a correctional setpoint value. According to the invention, the correctional setpoint value is determined in a second branch in which one of two setpoints are selected depending on the value of the first variable ( $x$ ). The two setpoints are here for example determined by functional units FB2 and FB3. Functional unit FB5 generates the correctional setpoint according to the selected setpoint and the

second variable (pressure  $p_{act}$ ). The independent claims now include the basic limitations of this control procedure/apparatus.

As disclosed in paragraphs [0005]-[0008] of the present application, this control procedure can be applied to different sections of a production machine. For example, the principle applies to the main advancing screw drive with displacement and pressure as variables. Alternatively or additionally, it applies to the mold closing mechanism with the mold displacement and the closing pressure as variables and it can also apply to the ejection mechanism with the ejection mechanism displacement and the ejecting force as variables.

Hayasi discloses the prior art as discussed in the background section of the present application. Hayasi does neither disclose nor suggest to select from two different setpoints in the correctional branch of a control loop as claimed. Thus, Applicant believes that the rejections of the independent claims are now overcome.

The claims 2, 6-8, 11, and 19-25 are dependent claims and, thus, include all the limitations of the respective independent claims 1, 3 or 10. Therefore, these claims are patentable at least to the extent of the respective independent claims.

### **SUMMARY**

In light of the above remarks, reconsideration and withdrawal of the outstanding rejection is respectfully requested. It is further submitted that the application is now in condition for allowance and early notice of the same is earnestly solicited. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the agent of record by telephone or facsimile.

Applicants do not believe that any other fees are due at this time; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct the fees from Deposit Account No. 02-0383, (*formerly Baker & Botts, L.L.P.*) Order Number 071308.0167.

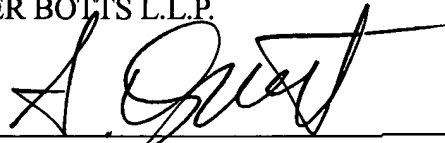
mailing.

Respectfully submitted,

BAKER BOTTS L.L.P.

Date: April 2, 2004

By: \_\_\_\_\_

A handwritten signature in black ink, appearing to read 'A. Grubert', written over a horizontal line.

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